

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NAVOR ROYBAL,

Plaintiff,

v.

No. 13-cv-610 KG/GBW

UNITED STATES OF AMERICA,

Defendant.

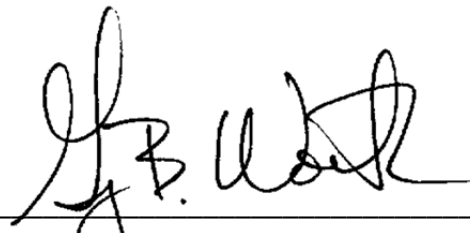
**ORDER GRANTING IN PART DEFENDANT'S MOTION TO
VACATE DEADLINE TO FILE MOTION TO DISMISS
BASED ON THE STATUTE OF REPOSE**

THIS MATTER comes before the Court on Defendant's Motion to Vacate Deadline for the United States to File its Motion to Dismiss Based on the Statute of Repose and Memorandum in Support. *Doc. 31*. The United States submits that it has good cause for an extension, and requests that the deadline be extended to July 7, 2014, the deadline for all pretrial motions. *Id.* Plaintiff opposes the motion, arguing that it is important to resolve this matter early on in the case in order to avoid unnecessary discovery expenses. *Doc. 32*. Plaintiff wishes to move forward with discovery and resists any further delay.

The Court finds that the United States has demonstrated good cause for granting an extension of time to file its motion. However, the Court agrees with Plaintiff that a motion to dismiss based on the statute of repose should not involve extensive fact

finding or require significant discovery. On the contrary, it is appropriate to resolve the issue of whether the statute of repose applies before engaging in lengthy and costly discovery. The Court therefore declines to allow the United States until July 7, 2014 to file its motion.

IT IS THEREFORE ORDERED that the February 7, 2014 deadline for the United States to file its motion on the statute of repose is hereby VACATED, and the United States shall have until March 21, 2014 to file its motion.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE